

Introduced by Senator Ortiz

January 4, 2006

An act to amend Section 83122 of, and to repeal Section 85802 of, the Government Code, relating to the Political Reform Act of 1974, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as introduced, Ortiz. Fair Political Practices Commission: funding

Existing law creates the Fair Political Practices Commission, and gives the commission primary responsibility for the impartial, effective administration and implementation of the Political Reform Act of 1974. Existing law provides for annual appropriations to the commission from the General Fund of \$1,000,000 and \$500,000, as adjusted for cost-of-living changes, for purposes of carrying out the act, and that specified fees and costs for successfully challenging the act be paid from the General Fund. Existing law directs the Department of Finance to include in the proposed budget in support of the act monies for other agencies with duties under the act and additional appropriations for the commission as may be necessary to carry out the provisions of the act.

This bill, which would become operative on July 1, 2007, would amend the act by repealing the annual appropriations of \$1,000,000 and \$500,000, as adjusted for cost of living, and instead would annually appropriate \$9,000,000 dollars to the commission, to be adjusted annually for cost-of-living and workload changes. The bill would also provide that if any provision of the act is successfully challenged, any attorney's fees and costs shall be paid from the General Fund and the commission's budget shall not be reduced accordingly.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a 2/3 vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a 2/3 vote.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 83122 of the Government Code is
2 amended to read:
3 83122. ~~There is hereby appropriated from the General Fund~~
4 ~~of the state to the Fair Political Practices Commission For the~~
5 ~~2007-08 fiscal year, and each fiscal year thereafter, the sum of~~
6 ~~five hundred thousand dollars (\$500,000) during the fiscal year~~
7 ~~of 1974-1975, and the sum of one nine million dollars~~
8 ~~(\$1,000,000) (\$9,000,000) is hereby appropriated from the~~
9 ~~General Fund to the Fair Political Practices Commission,~~
10 ~~adjusted annually for cost-of-living changes, during each fiscal~~
11 ~~year thereafter and workload changes, for expenditure to support~~
12 ~~the operations of the commission pursuant to this title. The~~
13 ~~adjustment for workload changes shall be determined by the~~
14 ~~commission subject to review by the Department of Finance. The~~
15 ~~expenditure of funds under this appropriation shall be subject to~~
16 ~~the normal administrative review given to other state~~
17 ~~appropriations. The Legislature shall appropriate such additional~~
18 ~~amounts to the commission and other agencies as may be~~
19 ~~necessary to carry out the provisions of this title.~~
20 The Department of Finance, in preparing the state budget and
21 the Budget Bill submitted to the Legislature, shall include an
22 item for the support of the Political Reform Act of 1974, which
23 item shall indicate all of the following: (1) the amounts to be
24 appropriated to other agencies to carry out their duties under this
25 title, which amounts shall be in augmentation of the support
26 items of such agencies; (2) the additional amounts required to be
27 appropriated by the Legislature to the commission to carry out
28 the purposes of this title, as provided for in this section; and (3)
29 in parentheses, for informational purposes, the continuing

1 appropriation during each fiscal year of ~~one~~ *nine* million dollars
2 ~~(\$1,000,000)~~ *(\$9,000,000)* adjusted for cost-of-living changes
3 *and workload changes* made to the commission by this section.

4 The definition of “expenditure” in Section 82025 is not
5 applicable to this section.

6 *If any provision of this title is successfully challenged, any*
7 *attorney’s fees and costs shall be paid from the General Fund*
8 *and the commission’s budget shall not be reduced accordingly.*

9 SEC. 2. Section 85802 of the Government Code is repealed.

10 ~~85802. There is hereby appropriated from the General Fund~~
11 ~~of the state to the Fair Political Practices Commission the sum of~~
12 ~~five hundred thousand dollars (\$500,000) annually above and~~
13 ~~beyond the appropriations established for the commission in the~~
14 ~~fiscal year immediately prior to the effective date of this act,~~
15 ~~adjusted for cost-of-living changes, for expenditures to support~~
16 ~~the operations of the commission pursuant to this act. If any~~
17 ~~provision of this act is successfully challenged, any attorney’s~~
18 ~~fees and costs shall be paid from the General Fund and the~~
19 ~~commission’s budget shall not be reduced accordingly.~~

20 SEC. 3. This act shall become operative on July 1, 2007.

21 SEC. 4. The Legislature finds and declares that the provisions
22 of this act further the purposes of the Political Reform Act of
23 1974 within the meaning of subdivision (a) of Section 81012 of
24 the Government Code.